

Serial No. 10/084,381
Submission of Declaration Under 37 C.F.R. § 1.132
In Reply to Office Action dated September 9, 2004

REMARKS

The Office Action dated September 9, 2004 has been received and its contents carefully noted.

In view of the foregoing amendments, and following representations, reconsideration and allowance are respectfully requested.

Examiner Musser is thanked for the courtesies extended undersigned counsel during the telephone discussion of February 14, 2004. During that discussion, Examiner Musser indicated that a Declaration under 37 C.F.R. § 1.132 was appropriate to ensure that arguments related to Applicant's unexpected results and Applicant's asserted nonobviousness of the use of nitrile butadiene rubber as compared to the closed prior art be considered fully.

Applicant has done so by the filing of this Declaration, and requests reconsideration and allowance of the application.

Further, Applicant has prepared the attached Declaration under 37 C.F.R. § 1.132, executed by Applicant Ohlinger on February 9, 2005 to further support Applicant's position that the claimed invention would not have been obvious.

Serial No. 10/084,381
Submission of Declaration Under 37 C.F.R. § 1.132
In Reply to Office Action dated September 9, 2004

The attached Declaration has been prepared and submitted in accordance with 37 C.F.R. § 1.132, as well as MPEP Section 716. For example, Applicant has compared the results of Applicant's claimed invention with the results achieved by using the closest prior art.

Still further, Applicant's Declaration has set forth results using Applicant's claimed method of producing an embossing roller in accordance with the independent claim and, even more, particularly, the claimed nitrile butadiene rubber set forth in the independent claim.

The attached Declaration shows that on average about nine times as many commercially acceptable copies were made using the claimed nitrile butadiene rubber material as compared with the prior art silicone rubber material. Please note the second full paragraph on page 5 of the attached Declaration, when considering the Declaration in its entirety.

The remainder of Applicant's argument pointing out why Applicant's claimed invention would not have been obvious that were already set forth in the December 9, 2004 Amendment are incorporated herein by reference.

Serial No. 10/084,381
Submission of Declaration Under 37 C.F.R. § 1.132
In Reply to Office Action dated September 9, 2004

In sum the application is submitted to be in condition for allowance with claim 7 and 8.

Claim 7 is in independent form.


It is believed that no fee is due for this submission, nor for the attached 132 Declaration. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105, and notify the undersigned in due course.

Should any outstanding formal matters or other issues remain, please telephone Terrence Brown to resolve such.

Respectfully submitted,

Date:

February 14, 2005



Terrence L.B. Brown
Attorney for Applicant
Reg. No. 32,685

SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-5600
sb